

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22<sup>ND</sup> DAY OF SEPTEMBER 2008, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	John A. Muffo	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711      (1)      Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Agency on Aging
  2. Juvenile Detention Commission
  3. Office on Youth Advisory Board
  4. Parks and Recreation Commission
  5. Towing Advisory Board
- (7)      Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
1. Boundary Adjustment -Town of Blacksburg

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Gary C. Creed	
Annette S. Perkins	

### **OUT OF CLOSED MEETING**

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Gary C. Creed	
John A. Muffo	
Annette S. Perkins	

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### **VOTE**

<u>AYES</u>
Mary W. Biggs
Doug Marrs
William H. Brown
Gary C. Creed
John A. Muffo
James D. Politis
Annette S. Perkins

<u>NAYS</u>
None

<u>ABSENT DURING VOTE</u>
None

## ABSENT DURING MEETING

None

## INVOCATION

A moment of Silence was lead by Chair Perkins. Chair Perkins asked if everyone would take a moment to remember Betty S. Thomas, former Montgomery County Administrator, who passed away Sunday, November 21, 2008. Ms. Thomas served as the administrator of Montgomery County for 16 years before retiring in 1997. She began as an assistant county administrator in 1972 and was appointed as county administrator in 1981.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## PUBLIC HEARINGS

### Amend Ordinance - Central Absentee Voting Election Precinct

#### **Proposed Ordinance Amending the Use of the Central Absentee Voting Election Precinct by Providing for a Central Absentee Voting Election Precinct in All Elections.**

The County Attorney provided a brief summary. The Electoral Board is requesting that the central absentee voting precinct located in the Multi-Purpose Room located on the First Floor of the Montgomery County Government Center be the main location to receive, count, and record all absentee ballots for all elections, not just the November General Election. If the Board of Supervisors approves amending the ordinance an application will be submitted to the United States Justice Department for final approval.

There being no speakers, the public hearing was closed.

The following two public hearings were summarized together:

### Rezoning Request - Thomas A. & Penny L. Taylor and Charles A. & Margaret Taylor

**A request by Thomas A. & Penny L. Taylor and Charles A. & Margaret Taylor to rezone approximately 2.3 acres from Agriculture (A-1) to Residential (R-3), with possible proffered conditions, to allow residential single family dwelling.** The maximum allowed density in the proposed zoning district is nine (9) dwelling units per acre. The parcel(s) are located at 2971 Peppers Ferry Road, and are identified as Tax Parcel No(s). 064-A-141, 141E (Acct #'s 019068, 029370) in the Riner Magisterial District (District B). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

**AND**

### Special Use Permit – Charles A. Margaret Taylor

**A request by Charles A. & Margaret Taylor, for a Special Use Permit (SUP) on approximately 1.479 acres in a Residential (R-3) zoning district to allow a Class A (doublewide) Manufactured Home.** The property is located at 2971 Peppers Ferry Road, and is identified as Tax Parcel No(s). 064-A-141 (Acct #'s 019068) in the Riner Magisterial District (District B). The property currently lies in an area designated as Rural in the Comprehensive Plan.

Steve Sandy, Planning Director, provided a summary on the rezoning and special use permit request. A rezoning of 2.3 acres from Agriculture (A-1) to Residential (R-3) to allow a residential single family dwelling and a special use permit to allow a doublewide (Class A) manufacture home on property located at 2971 Peppers Ferry Road is being requested. Mr. Charles and Margaret Taylor attempted to convey a .5 acre parcel of land to their granddaughter, where her existing doublewide sets. The transfer was not approved due to the lack of a subdivision plat. A .5 acre parcel cannot be created in the Agriculture zoning district; therefore, the Taylors are requesting to rezone the lot to Residential (R-3) to allow them to subdivide the land. Their neighborhoods, Thomas and Penny Taylor, have agreed to include their parcel in this request in order to meet the minimum acreage required to create a new R-3 zoning district, which

is two (2) acres. Also, in order for the existing doublewide to be in compliance with the R-3 zoning requirements, a special use permit is needed to allow a doublewide on the property. At their September 10, 2008 meeting, the Planning Commission recommended approval of both requests.

There being not speakers, the public hearing was closed.

Special Use Permit – Ellett Valley Development – **Withdrawn by Applicant**

**A request by Ellett Valley Development, (Agent: Gay & Neel) for a Special Use Permit (SUP) on approximately 11.62 acres in a Community Business (CB) zoning district to allow 14 single family dwelling units.** The property is located on the East Side of Cascades Road 500 feet southwest of the Mid Pine Rd/Cascades Rd intersection

Chair Perkins announced that this request has been withdrawn by the applicant.

At their September 10, 2008 meeting, the Planning Commission recommended denial. The Planning Commission believed that the existing problems identified by staff and citizens concerning the sewer system and roads in the Blacksburg Country Club Estates should be addressed before any new development is approved.

Special Use Permit – Charles Lewis Wheeling (Agent: NTelos) – Telecommunications Tower

**A request by Charles Lewis Wheeling, (Agent: NTelos) for a Special Use Permit (SUP) on approximately 24.19 acres in an Agriculture (A-1) zoning district to allow a 130' telecommunication tower.** The property is located at 174 Friendship Road, and is identified as Tax Parcel No(s). 82-A-158 (Acct No. 028687), in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

Summarizing the SUP request, Zoning Administrator Dari Jenkins explained that the proposed tower will be used by NTelos and will be available for possible use by two additional cellular providers and Montgomery County police, fire, and rescue services.

The property is surrounded by land zoned Agriculture, ranging from small to large lots. The proposed use is expected to have limited impact on surrounding properties.

At their September 10, 2008 meeting, the Planning Commission recommended approval with eight conditions. There were two individuals who spoke at the Planning Commission's public hearing and the Planning Commission believed that the proposed conditions would address concerns raised.

Michael Pace, Gentry Locke Rakes, & Moore, agent for the applicant, provided an explanation for the request. NTelos is continuing to expand their network in the County. There is a need to cover a gap in the County along a three mile stretch from Christiansburg to Shawsville where there is no NTelos coverage at all. NTelos looked at structures on which to collocate its antennas and found none exist. A total of eleven sites were reviewed for possible collocation in this area, and as a result, NTelos is proposing to build a new monopole tower. The newly constructed tower will provide the least negative impact to the citizens of the County. The proposed tower will be least visible at the proposed site and will be painted brown with flushed mounted antennas to camouflage and minimize its visibility. In order to address concerns from adjacent neighbors on the dangerous road issue on Friendship Road, there will only be one trip per month and no increase in traffic will occur.

Mr. Pace also commented on the claim that the railroad owns the title to this property. As part of NTelos' investigation when looking at new sites, a thorough title/deed search is done and no title issues were found. They believe that this application satisfies all of the requirements of the County's applicable zoning ordinances and is consistent with the Comprehensive Plan.

Fred Bailey spoke in opposition to the proposed telecommunications tower. Mr. Bailey addressed concerns with the traffic dangers on Friendship Road, especially in inclement weather.

The following letter was submitted for the record:

September 21, 2008

Montgomery County Board of Supervisors  
Montgomery County Government Center  
755 Roanoke Road  
Christiansburg, VA 24162



Dear Montgomery County Board of Supervisors,

**PROPOSED NTELOS CELL SITE ON FRIENDSHIP RD, SHAWSVILLE, VIRGINIA.**

Again I am saying the proposed nTelos cell tower site on Friendship Road, in Shawsville, Virginia is one of the worst locations for a cell tower. I have researched the old deeds of the property dating back to 1894 and I have uncovered some interesting information. I would also like to reference my previous letter to Mr. Steve Sandy dated September 1, 2008 and the previous concerns with this site also

This property where the cell tower is to be built was part of a 290 acre tract sold by William B. Tinsley, Special Commissioner by the authority of the District Court of the United States for the Western District of Virginia to George W. Anderson deed dated April 10, 1894. This was a bankruptcy sale. This land was part of the second lot of land sold on that date and is described on page three of said deed. A survey by one Charles D. Peck was referenced in this deed. This survey was done on September 10, 1883. The deed description starts at the railroad on the west and north end of the property bounded by one Norman Walker. If you go to the last three lines of the deed on page three it references a sharp rock edge of the south bank of the railroad with three notches in same. The next sentence has me concerned as it says Cavernous behind it. Could this be the same hill above the railroad that the nTelos cell tower is to be built on? If so there should be studies done before the tower is built. This old deed is the only one I have found that gives exact boundaries of the railroad at that time.

On May 2, 1904 a 63 acre part of this land was sold to James Edward Wheeling by William G. Anderson. In this deed there is an x just above the written text just below a corner to Norman Walker. I am questioning who did this survey as it does not state in the deed and this survey description does not match the previous survey description of this section leaving the railroad. This deed does note the Culvert under the railroad. No where does it have the boundary between this land and the railroad. I find this survey very strange as it does not reference boundaries with the railroad.

August 19, 1912 this land was deeded to Rosebelle Wheeling. It references portions of this land that had been sold previous to this land transfer. There was a portion of this land (no acreage) sold to Lewis Wheeling on November 14, 1908, another 8 acres was sold to Peter Young on June 22, 1910, and another 8 acres sold to Peter Young on November 14, 1911. Leaving is less than the 63 acres more or less that James Edward had bought on May 2, 1904. There was no survey done before this land changed hands.

This land was again sold on August 9, 1934 by T. S. Word, Clerk of Circuit Court of Virginia to Lewis W. Wheeling. In this deed only notes 15 1/2 acres. What has happened to the balance of the land noted in deed dated August 19, 1912? I know the railroad about this time was building additional track in this area and had to have extra land for this. This land was willed to Lewis W. Wheeling's heirs at his death and was recorded in deed book page 359.

At no time in these deeds does it note a section of property owned by the railroad on the south side of Friendship Road. There has always been a concrete box just at the top of the hill in the first curve after crossing the railroad tracks. Everyone I ask about the box told me it was where horses were watered. This is telling me there was water on this hill in the past and this would have been a good location for the railroad to get water for the steam engines before climbing Christiansburg Mountain. Everyone I spoke to about this was

277 FRIENDSHIP ROAD  
SHAWSVILLE, VA 24162

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September 22, 2008

would have been born after this site was no longer used or moved here later.

Now I would like to address the problems I see with the plans by nTelos for the cell tower site.

On sheet number L-1 - On their plans the Verizon telephone is about 45 to 60 feet from the edge of Friendship Road and **this pole is only 10 to 12 feet from edge of Friendship Road.**

On Sheet number L-2 - On their plans it shows land being owned by the railroad on the west side of Friendship Road and with the concrete box on the east side of Friendship I am questioning if this is correct? And also the Verizon telephone pole is not correct in this drawing also.

On Sheet number C-1 - On their plans the area they show as being their proposed right of way there is a **RAILROAD R/W** and also in this area is a **TBM RAILROAD SPIKE IN**. To me this looks like they had intended to build a road on someone's property other than Charles Wheeling. Where in this area is the railroad property? In your records it is on the west side of Friendship Road and in their records they are showing it on the east side of Friendship Road. Could there be railroad property on both sides of Friendship Road?

With all the issues I have addressed I hope the Montgomery County Board of Supervisors and Planning Commission will do a complete study of this site. If the mountain where this cell tower is to be erected has caverns then this could lead to costly problems. The railroad is not going to standby and let them drain large amounts of water from their site and the road on to their property. This section of the railroad has no drainage on the south side of their tracks and the north side of the railroad in this area there have been drainage problems in the past. Another issue is could the cell site be railroad property. If this is railroad property where the site is proposed then when the site is finished the railroad could and would claim and collect the rent from nTelos leaving the Wheeling's and Hall's with nothing and they would have given a right of way for nothing.

Sincerely,

*Linda M. Bailey*

Linda G. Bailey  
cc: Mr. Steve Sandy  
Montgomery County Planning and GIS

There being no further speakers, the public hearing was closed.

Special Use Permit – Sarah M. Wall Life Estate (Agent: NTelos) – Telecommunications Tower  
**A request by Sarah M. Wall, Life Estate, (Agent: NTelos) for a Special Use Permit (SUP) on approximately 64 acres in an Agriculture (A-1) zoning district to allow a 130' telecommunications tower.** The property is located at 1483 Matamoros Lane, and is identified as Tax Parcel No(s). 52-A-100 (Acct No. 020270), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a brief summary on the above request. The applicant is requesting a special use permit to allow the construction of a 130 ft. telecommunications tower located at 1483 Matamoros Lane. The proposed tower will be used by Ntelos and be available for possible use by two additional cellular providers and Montgomery County police, fire, and rescue services. The property is bordered to the north by a large parcel zoned Agricultural and primarily used for farming. To the east, south and west are large and medium parcels zoned Agricultural and most of the surrounding land maintains significant tree growth.

At their September 10, 2008 meeting, the Planning Commission recommended approval of this request with eight conditions.

Michael Pace, Gentry Locke Rakes, & Moore, agent for the applicant, explained that NTelos is trying to expand the reception coverage in the area of Prices Fork and Merrimac. There are nine sites in this area in where collocation on the existing towers are not feasible. The tower will be least visible at the proposed site and will be painted brown with flushed mounted antennas to camouflage and minimize its visibility. They believe this application satisfies all of the requirements of the County's applicable zoning ordinances and is consistent with the Comprehensive Plan.

There being no further speakers, the public hearing was closed.

## **PUBLIC ADDRESS**

Douglas White addressed the Board on the proposed work force housing project on Harding Ave. Mr. White asked the Board if there was anything new they can share with the citizens on the status of this project. He expressed concern that the Board had the boundary line adjustment request from the Town of Blacksburg on their agenda for the third time under Closed Meeting.

Chair Perkins responded to Mr. White's concerns by explaining that the Board had not had a chance to discuss this issue in length at previous meetings due to the nature of other items listed under closed meetings. At this point in time there is nothing new to report to the citizens. The Board of Supervisors has asked that the Town of Blacksburg schedule a community meeting to address citizens' concerns. To the Boards knowledge no community meeting has been held.

Mr. White reported that he had a meeting with Marc Vermeil, Blacksburg's Town Manager, and was informed that the workforce housing project was moved from the Harding Avenue location and they are entertaining a project in the Merrimac Community off Price's Fork Road. He believes there is unfinished business regarding the Harding Ave. Project; therefore, he requested, under the Freedom of Information Act, copies of all e-mails associated with the Harding Road Workforce Housing Project from Board of Supervisors e-mail accounts, the County Administrator's e-mail account and the County Attorney's e-mail account. He submitted a formal request to the County Attorney. Mr. White commented that even though the community was informed that the Harding Ave. Project was off the table there appears there is on-going dialogue between the County and Town.

There being no further speakers, the public address session was closed.

## **CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the Consent Agenda dated September 22, 2008 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Doug Marrs	None	James D. Politis
William H. Brown		
Gary D. Creed		
John A. Muffo		
Mary W. Biggs		
Annette S. Perkins		

### **Approval of Minutes**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the minutes dated July 14, 2008 were approved.

### **A-FY-09-24 CLERK OF CIRCUIT COURT TECHNOLOGY TRUST FUND**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

250 Clerk of Circuit Court	\$46,002
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02250-423100 Shared Expenses	\$46,002

Said resolution appropriates Technology Trust fund monies to cover the cost of computer equipment and microfilming and indexing for the Clerk's office.

### **A-FY-09-25 FIRE AND RESCUE CAPITAL PROJECTS FY 2008-2009**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a County Capital Projects fund transfer of appropriation is hereby authorized, as follows:

<b><u>FROM:</u></b>		
3300	Undesignated Fire and Rescue Projects	(\$1,055,000)
<b><u>TO:</u></b>		
3301	Blacksburg Fire Department	\$402,500
3301	Christiansburg Fire Department	\$402,500
3302	Blacksburg Rescue Squad	<u>\$250,000</u>
	Total	\$1,055,000

Said resolution transfers appropriated funds from Undesignated Fire and Rescue Projects to Blacksburg and Christiansburg Fire Departments and Blacksburg Rescue.

**A-FY-09-26**  
**SHERIFF – RECOVERED COSTS**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

320	Sheriff – County	\$2,266
321	Sheriff – Grants	<u>\$3,580</u>
	Total	\$5,846

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$2,266
419104	Confiscation	\$3,355
424401	Project Lifesaver	<u>\$ 225</u>
	Total	\$5,846

Said resolution appropriates recovered costs, confiscations, and Project Lifesaver funds for use by the Sheriff's department.

**A-FY-09-27**  
**SHERIFF**  
**GRANT APPROPRIATION**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

321	Sheriff Grants	\$54,990
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424401	State Grants	\$54,990

Said resolution appropriates monies from two DMV grants, DUI-Speed and OP Violation Enforcement and Regional Crash Team.

**A-FY-09-28**  
**SCHOOL CAPITAL PROJECTS**  
**TRANSFER – INTEREST EARNED**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

451209	Transfer to School Capital Projects	\$327,161
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451205	Designated Fund Balance	\$327,161



BE IT FURTHER RESOLVED, That the School Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

6600	Future School Projects	\$327,161
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451100	Transfer from General Fund
	\$327,161

Said resolution appropriates interest earned on the funds set aside for future school projects. The funds cannot be expended in the School Capital Projects Fund without future Board of Supervisors approval.

### **RECESS**

The Board took a recess at 8:15 p.m. and reconvened at 8:30 p.m.

### **INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

Bond Financing Summary and Investment  
Budget Reduction and Escrow Requests  
School Operating Funds – Carryover Funds  
Legislative Priorities – 2009

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Gary D. Creed	
John A. Muffo	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

### **Bond Financing Summary and Investments**

Courtney Rogers, Davenport & Company, LLC, County's Financial Advisor, made a presentation on the County's recent 2008 bond issuance. Mr. Rogers reported that they locked in the interest rate at 4.77%. They were able to do this before the interest rate increased by ½% last week. The County's bond rating was upgraded in both Moody's and S&P's, which helped in getting a great interest rate on the bonds. The County's rating was A1/A+ prior to the rating in the 2008 Bonds. They were upgraded to Aa3/AA during the rating process, which brought the County up from a 3<sup>rd</sup> Tier Strong to a 2<sup>nd</sup> Tier Very Strong. The rating report stated that the County has a consistent property tax base growth, historically low unemployment, with adequate wealth and income levels, sound financial position with strong reserves, and a moderate debt burden.

Overall a total of \$70.9 million was issued in lease revenue bonds. The County will be submitting two separate applications, either in the Spring of 2009 or Fall 2009 through the VPSA for literary loans of \$7.5 million each, for a total of \$15 million for the Elliston/Lafayette Elementary School and Prices Fork Elementary School.

### **Budget Reduction and Escrow Requests**

Marc Magruder, Budget Manager, made a presentation on the state's recent budget reduction plan. The 2008 Appropriation Act requires a \$50 million reduction in state aid to localities in FY 08 and FY 10. Montgomery County will see reductions of \$364,508 in FY 08 and a reduction of \$363,117 in FY 10. The State provided three options for localities to respond to the cut and Montgomery County chose to send a check to the state for the reduction amount, which gives the County the flexibility of taking the reduction from state program as they deem necessary and not let the State decide which program to cut.

County staff has worked with the affected departments to address the budget reduction in FY 09. The following is a list of departments that will be affected:

<u>Department</u>	<u>Reduction</u>
Registrar	\$2,627
Sheriff – Compensation Board	\$182,187
Sheriff – Jail Block	\$25,852
Commissioner of the Revenue	\$5,570
Commonwealth's Attorney	\$19,978
Clerk of Circuit Court	\$10,234
Treasurer	\$5,494
Library	\$10,469
Comprehensive Services Act	\$59,190
Social Services	\$167
Human Services-VJCCCA Grant	\$2,808
Motor Vehicle Carrier Tax	\$4,191
Recordation Taxes	\$8,759
NRV Detention Home	<u>\$26,982</u>
Grand Total	\$364,508

The proposed plan to cover the budget reduction in FY 09 is to provide additional revenue totaling \$86,457, reduce the appropriation to the Community Services Act, VJCCCA, Detention Home and Clerk Salary Savings, and reduce the dollars available to departments for escrows.

The proposed plan only addresses state reductions for FY 09. The FY 10 reductions will be addressed as part of the upcoming budget process.

Mr. Magruder reported that the escrow request report will be included on the Board's October 14, 2008 agenda. Departments have requested \$660,300 to be escrowed from FY 08 to FY 09.

### **School Operating Funds – Carryover Request**

Walt Shannon, Assistant School Superintendent of Operations, reported that the School Board is requesting to carryover the remaining balance of \$871,892 at the end FY 08 to FY 09. The carryover funds will be used as follows:

- Medicaid Reimbursements for Special Ed	\$13,340
- Supplemental for School Nutrition	\$200,000
- Capital Projects	\$658,551

A list of one time capital maintenance projects approved by the School Board was provided to the Board of Supervisor as follows:

**Capital Maintenance Project Budget List**

FY 2008-09					
Priority	Location	Project Title	Status	Estimated Cost	Running Total
1	KES	Replace HVAC Control System		\$35,000.00	
2	BHS	Replace Chillers		\$597,500.00	\$632,500.00
3	Technology Building	Full Roof Replacement		\$144,000.00	\$776,500.00
4	CHS, BEL, SBG, GLE	Replace Carpet in Libraries - Guidance at CHS - SBG Office		\$35,845.00	\$812,345.00
5	CES, HAE, KES, SBO, BHS*	Repave Parking Lots Includes Prep and Repainting, *Tennis Court at BHS		\$420,000.00	\$1,232,345.00
6	CHS	Replace HVAC Control System		\$135,000.00	\$1,367,345.00
7	GLE, MBE	Install Canopy over Walkway to Kindergarten		\$96,000.00	\$1,463,345.00
8	SBO	Replace Chairlift		\$20,000.00	\$1,483,345.00
9	CPS	Replace Kindergarten Rooftop Cooling System		\$55,000.00	\$1,538,345.00
10	SMS annex	Demolish Annex Building		\$285,000.00	\$1,823,345.00
11	Ward House	Demolish/Relocate	Estimating Cost		
12	OCMS	Kitchen Rehab and Replace Roof over Kitchen	Estimating Cost		
13	Various	ACBM Remediation	Estimating Cost		
14	BEL, Technology	Window Replacement/Repair	Estimating Cost		
15	CHS	Replace Gym Entrance Doors, and add Doors at Admin Area Entrance	Estimating Cost		
16	CHS	Replace Roof Over Business Classrooms Area	Estimating Cost		
17	OCMS	Replace Gym Floor and Windows In Gym	Estimating Cost		
18	SMS	Replace Gym Floor	Estimating Cost		
19	CHS	Replace AC Coil In Commons Air Handler	Estimating Cost		

**Capital Maintenance Project Budget List**

FY 2008-09					
Priority	Location	Project Title	Status	Estimated Cost	Running Total
20	BHS, CHS	Ventilation Improvements	Estimating Cost		
21	OBMS, OCMS, CPS, GLE, HAE, MBE, SBO, SMS, SMSA, SSD	Remove Old Fuel Oil Tanks	Estimating Cost		
22	BHS	Remove Automotive Lifts	Estimating Cost		
23	AHS	Replace Rooftop Air Cooled Condenser	Estimating Cost		
24	AHS, BHS, BEL, CHS	Fire Alarm Panel Replacement (Design and Investigation)	Estimating Cost		
25	AHS	Weight Room Ventilation & AC	Estimating Cost		
26	Fac. Office	Replace All windows	Estimating Cost		
27	AMS, BHS	Repair Sidewalks Curbing	Estimating Cost		
28	NBMS, NCMS	Window Treatments For Libraries	Estimating Cost		
29	BHS	Ceiling Between Gym and Auditorium	Estimating Cost		
30	GLE, MBE	Replace Gas Burners On Boilers	Estimating Cost		
31	AHS	Possible Structural Repairs	Estimating Cost		
32	FBE	Fence at Play Areas	Estimating Cost		
33	HAE	Tile in Multipurpose Room	Estimating Cost		
34	HAE	Fencing Around Perimeter of School Grounds	Estimating Cost		
35	CPS	Replace / Repair Sidewalks and Loading Dock	Estimating Cost		
36	OBMS	Roof Replacement Over Gym, Library, Band Room	Estimating Cost		
37	BHS	Repairs to Outer Commons Steps and Surface	Estimating Cost		

Updated 08/19/2008

Enclosure (2)

### Capital Maintenance Project Budget List

FY 2008-09					
Priority	Location	Project Title	Status	Estimated Cost	Running Total
Pursue Using Energy Performance Contract					
38	CHS	Replace Chillers			
39	Various	Replace EMS (Paragon Clocks)			
40	AHS, CES, OCMS,	Replace Pneumatic Control Air Compressors			
41	EMHS	Retro Commissioning /Re-balance Building HVAC			
42	SMS	Retro Commissioning HVAC System			
43	AHS	Retro Commissioning HVAC System			

Board members asked Mr. Shannon if he knew what kind of impact the state reductions will have on the School's budget. Mr. Shannon responded at this time they do not know. It will be in December 08 after the Governor releases the revised state budget before they will know what kind of reductions they will have. He reported the School system is making contingencies for the 5/10/15 % reduction plan.

### Legislative Priorities - 2009

The County Administrator provided the Board with a draft copy of Montgomery County's Legislative Priorities for 2009. As instructed by the Board, the 2008 Legislative Priorities were condensed in order to focus on critical issues.

Supervisor Perkins reported VACo's Resolutions Committee has scheduled a conference call on October 8, 2008. She will report on Montgomery County's legislative concerns. VACo will finalize their priorities at their annual conference in November.

Supervisor Biggs expressed concern that the list did not include any items for Public Safety. The Sheriff's Office had the largest budget cut so far and if another state reduction is being considered, this will have a tremendous impact on public safety. She also stressed the importance of School Resource Officers in the schools.

The County Administrator replied that they can include this with the unfunded mandates from the state, which the Board opposes.

### OUT OF WORK SESSION

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Annette S. Perkins	

### COUNTY ADMINISTRATOR'S REPORT

**Survey Pins – Property on Cole Road (SR 741)** - The County Administrator reported a response was received back from the Virginia Department of Transportation on the County's request for VDOT to replace survey pins at the Yopp property on Cole Road (SR 741). VDOT denied the request to fund the cost for replacing the pins. They cited that on a typical secondary

road project, survey expenses are considered right-of-way costs and are included in the project funding. However, since Cole Road was a private road brought into the secondary system by way of the Rural Addition process, certain restrictions on use of VDOT funds apply. According to rural addition policy the county is responsible for acquiring all needed right-of-way and easement; therefore, the county should bear the cost of replacing the survey pins.

The County Administrator recommended that the County cover the cost of \$450 - \$500 to replace these pins. The funding will come out of the County Administration budget.

By consensus of the Board the County Administrator was authorize to replace the survey pins on Cole Road with funds appropriated from the County Administration budget.

**First Board of Supervisors Meeting in October** – The County Administrator reported the first meeting in October is scheduled for Tuesday, October 14, 2008 due to County offices closed in observance of Columbus Day. It is Board policy to schedule the Board meeting the day after if a holiday falls on a regular scheduled meeting date. He asked the Board if they want to follow Board policy and schedule the meeting for Tuesday or keep the meeting on the regular schedule date.

It was Board consensus to follow Board policy and schedule the meeting for Tuesday, October 14, 2008.

**Board of Supervisors Retreat** - The County Administrator reported the facilitator for the upcoming Board retreat would like to individually meet with the Supervisors to determine the expectations of each Board member. This will help the facilitator to establish guidelines for the retreat. Staff members will be contacting Board members for a time each member will be able to meet with the facilitator.

## **BOARD REPORTS**

**Supervisor Brown** attended the Workforce Investment meeting. Each locality was asked to adopt a proclamation declaring the week of October 13 – 19, 2008 as Adult Education Week and October 13, 2008 as National GED Day.

**Supervisors Biggs** expressed her sorrow on the passing of Betty S. Thomas, former County Administrator. She had the pleasure of serving with Ms. Thomas when she was first elected to the Board of Supervisors in 1996.

**School Board Meeting** - The School Board announced the delayed opening of the Bill Brown Stadium due to permanent fencing not being installed. They are checking with the Town of Blacksburg to see if a temporary fence will be satisfactory until the permanent fence can be installed.

**Library Meeting** – The Library Board adopted their legislative agenda. They are planning to meet with the County's state legislators before and after the 2009 General Assembly session.

**Supervisor Muffo** attended the tourism meeting hosted by Congressman Rick Boucher in Wytheville. The meeting entitled "Unleashing the Celtic Tiger" provided information on tourism.

**Supervisors Creed** asked for an update on the cat problem in Montgomery County. The County Administrator reported that staff has met with the Friends of Animal Care and Control (FACC) and the Humane Society. The Humane Society was asked if they could provide housing for cats on a temporary basis, which they declined to do, due to lack of space and the number of cats already on a six month waiting list.

Supervisor Creed commented that the County should also look into the catch/spay/release technique. This program may help reduce the cat population until a facility is built. He noted that there are people in the community with energy and money willing to help.

**Supervisors Marrs** reported he and David Clarke, VDOT Residency Administrator, toured some County roads in response to complaints he had received from citizens. He mentioned that Mr. Clarke had a map of the county broken out in districts and asked if the Board of Supervisors

could receive a copy of this map. He believed it would be helpful to locate roads when citizens call Board members with road issues. Supervisor Creed commented that it would also help if the map displayed the voting districts.

**Supervisor Perkins** attended the Economic Development Commission meeting. Dr. Meredith, Virginia Tech Corporate Research Center (CRC), addressed the Commission regarding expansion of the CRC.

Supervisor Biggs asked if Virginia Tech could share their master plan with the County in order to help the County plan for population growth, increased demand on services, etc. There could be a major project on the horizon that could impact the County, which could have a negative outcome if the County is not prepared.

Supervisor Perkins commented that they can invite Dr. Joe Meredith, President of CRC, and/or Dr. Sherwood Wilson, VP of Administrative Services, at Virginia Tech to a Board meeting to speak about Virginia Tech's Master Plan.

### **ADJOURNMENT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Tuesday, October 14, 2008 at 6:00 p.m.

The meeting adjourned at 9:55 p.m.

APPROVED: _____	ATTESTED: _____
Annette S. Perkins Chair	B. Clayton Goodman, III County Administrator